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| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b><br>10/646,243    | <b>Applicant(s)</b><br>BARDY, GUST H. |  |
|   | <b>Examiner</b><br>Navin Natnithithadha | <b>Art Unit</b><br>3735               |  |

**All Participants:**

(1) Navin Natnithithadha.

(2) Krista Wittman.

**Status of Application:** Pending

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 1 June 2007
**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

35 U.S.C. 102(e) rejection of claims 1, 5-12, 14-23, and 25-30.

Claims discussed:

1, 12, and 23

Prior art documents discussed:

Krausman et al, US 6,306,088 B1 ("Krausman").

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
 (Examiner/SPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Amendment, filed on 06 March 2007, of the independent claims 1, 12, and 23 to have the limitation "the indicator threshold corresponding to a pathophysiology indicative of at least one of an onset, progression, regression, and status quo of respiratory insufficiency" (emphasis added) and the Applicant's Remarks, filed on 06 March 2007, made it unclear as to whether the determination of respiratory insufficiency outcomes is in the alternative ("at least one of"), where determining one of the four outcomes is sufficient, or whether each of the four possible outcomes are possible based on respective conditions (see Remarks, filed on 06 March 2007, pp. 2-3). The Examiner and Applicant's Representative, Krista Wittman, discussed and approved a proposed amendment to clarify the independent claims..